

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

IN RE:)	CASE NO.: 19-51814-LRC
)	
ANTHONY HARRISON,)	CHAPTER: 13
Debtor)	
<hr style="border: 1px solid black;"/>		
1 ST CHOICE CREDIT UNION,)	HON. LISA RITCHEY CRAIG
Movant)	
vs.)	
)	
ANTHONY HARRISON,)	
Respondent)	
MELISSA J, DAVEY,)	
Trustee)	

DEFAULT MOTION

COMES NOW, 1st CHOICE CREDIT UNION (“FCCU”) a party in interest in the above-captioned matter, and respectfully shows to this Court as follows:

1.

FCCU holds a security interest in the Debtor’s 2011 Dodge Challenger, Vehicle Identification No. 2B3CJ4DGXBH596825 (“Vehicle”), by virtue of having of a Certificate of Title and pursuant to a loan contract and security agreement.

2.

FCCU filed a Motion for Relief on February 12, 2019 (Docket No. 13). A strict compliance Consent Order Denying Motion for Relief from Automatic Stay was entered on March 18, 2019 (Docket No. 29). The Consent Order required the Debtor maintain the chapter 13 trustee payments. The Consent Order also contained a default provision.

3.

The Debtor has failed to make Plan payments to the Chapter 13 Trustee. The Debtor’s monthly payments to the Chapter 13 Trustee are \$500.00 per month. The last payment to Trustee

was on or about April 2, 2020.

4.

On May 19, 2020, a Notice of Default and Right to Cure Default was mailed to the Debtor and to the Debtor's attorney. A copy is hereto attached as "Exhibit A". The First-Class mail was sent and has not been returned.

5.

The Debtor failed to cure the default within ten (10) days of the date of the mailing of the Notice of Default and Right to Cure Default.

WHEREFORE, FCCU respectfully requests that this Court enter an Order terminating automatic stay as to the Vehicle pursuant to the Consent Order entered on March 18, 2019.

RESPECTFULLY SUBMITTED this 3rd day of June, 2020.

/s/ Michael B. Pugh
MICHAEL B. PUGH
Georgia State Bar No. 150170

For the Firm of
THOMPSON, O'BRIEN, KEMP & NASUTI, P.C.
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(770) 925-0111
mpugh@tokn.com
Attorneys for 1st Choice Credit Union

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

IN RE:)	CASE NO.: 19-51814-LRC
)	
ANTHONY HARRISON,)	CHAPTER: 13
Debtor)	
<hr style="border: 0.5px solid black;"/>		
1 ST CHOICE CREDIT UNION,)	HON. LISA RITCHEY CRAIG
Movant)	
vs.)	
)	
ANTHONY HARRISON,)	
Respondent)	
and)	
)	
MELISSA J, DAVEY,)	
Trustee)	

AFFIDAVIT OF DEFAULT

PERSONALLY APPEARED, before the undersigned officer duly authorized by law to administer oaths, DAVID C. WHITRIDGE, after being placed upon his oath, deposes and states from his own personal knowledge as follows:

1.

Affiant makes this Affidavit from her own personal knowledge. Affiant is competent to testify to all matters asserted herein. Affiant is over eighteen (18) years of age. Affiant is the ATTORNEY AT LAW.

2.

FCCU holds a security interest in the Debtor's 2011 Dodge Challenger, Vehicle Identification No. 2B3CJ4DGXBH596825 ("Vehicle"), by virtue of having of a Certificate of Title and pursuant to a loan contract and security agreement.

3.

FCCU filed a Motion for Relief from Automatic Stay on February 12, 2019 (Docket No. 13). The strict compliance Consent Order Denying Motion for Relief from Automatic Stay was entered on March 18, 2019 (Docket No. 29). The Consent Order required the Debtor maintain his Ch. 13 trustee payments. The Consent Order also contained a default provision.

4.

The Debtor has failed to make Plan payments to the Chapter 13 Trustee.

5.

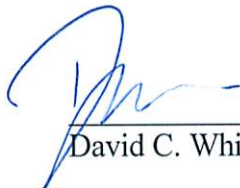
On May 19, 2020, a Notice of Default and Right to Cure Default was mailed to the Debtor and to the Debtor's attorney.

6.

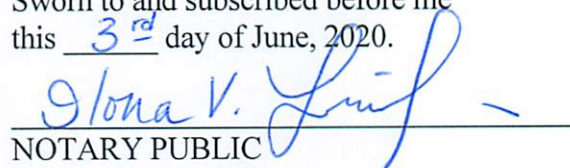
The Debtor failed to cure the default within ten (10) days of the date of the mailing of the Notice of Default and Right to Cure Default.

7.

Affiant states that he is familiar with trustee status reports and understands methods of checking Plan payment ledgers.


David C. Whitridge

Sworn to and subscribed before me
this 3rd day of June, 2020.


NOTARY PUBLIC



CERTIFICATE OF SERVICE

This is to certify that I have on this 3rd day of June, 2020, electronically filed the foregoing *Default Motion* using the Bankruptcy Court's Electronic Case Filing program, which sends a notice of this document and an accompanying link to this document to the following parties who have appeared in this case under the Bankruptcy Court's Electronic Case Filing program: *Howard P. Slomka and Chapter 13 Trustee, Melissa J. Davey.*

I further certify that on this 3rd day of June, 2020, I caused a copy of this document to be served via U.S. First Class Mail, with adequate postage prepaid on the Debtor at the following address:

Anthony Harrison
617 Falcons Ridge
McDonough, Georgia 30253

/s/ Michael B. Pugh
MICHAEL B. PUGH
Georgia State Bar No. 150170

For the Firm of
THOMPSON, O'BRIEN, KEMP & NASUTI, P.C.
40 Technology Parkway South, Suite 300
Peachtree Corners, Georgia 30092



THOMPSON
O'BRIEN

Thompson, O'Brien, Kemp & Nasuti, P.C.
Attorneys at Law

David C. Whitridge
DWhitridge@tokn.com
Direct dial: 470.554.7962

May 19, 2020

NOTICE OF DEFAULT
VIA REGULAR U.S. MAIL

Howard P. Slomka Slipakoff & Slomka, PC Suite 2100 3350 Riverwood Parkway Atlanta, GA 30339	Anthony Harrison 617 Falcons Ridge McDonough, Georgia 30253
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Re: Anthony Harrison
Chapter 13 Case No. 19-51814-LRC
Account No. **3000
Our File No. 7325.00013

Dear Howard:

We represent First Choice Credit Union ("FCCU") in the above-referenced bankruptcy case. The Debtor is in default pursuant to the terms of the Consent Order entered March 18, 2019 (Docket No. 29).

Pursuant to the Consent Order, the Debtor was to make timely chapter 13 plan payments for a period of 12 months from the entry of the Order. To date, the Plan payments are delinquent in the amount of \$1,100.00.

In accordance with the Consent Order this correspondence shall serve as your **Notice of Default**. If the default is not cured within ten (10) days of the date of mailing of this notice, FCCU may be entitled to stay relief as to the Debtor's 2011 Dodge without further notice or hearing.

Very truly yours,
THOMPSON, O'BRIEN, KEMP & NASUTI, P.C.

/s/ David C. Whitridge

David C. Whitridge

